



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT  
SCHEDULE A

File Number: 16-308 OR

1. Effective Date: 10/21/16 : .m.

2. Policy or Policies to be issued:  
(a) ALTA 2006 Owner's Policy  
Proposed Insured

Policy Amount: \$

(b) ALTA 2006 Loan Policy  
Proposed Insured

Policy Amount: [REDACTED]

[REDACTED], its successors and/or assigns, as their  
respective interests may appear.

3. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title  
thereto is at the effective date hereof vested in:

Derry Coal L.L.C., a corporation existing under the laws of the  
Commonwealth of Pennsylvania, by a deed dated November 5, 2014 and  
recorded December 31, 2014 in the Recorder's Office of Westmoreland  
County, Pennsylvania in Instrument No. 201412310042507.

4. The Land referred to in this commitment is described in Schedule "C" hereof.

For informational purposes only:

Lots#45-41-04-0-036-00-000&45-41-04-0-041-00-000

Derry, Pennsylvania 15627

Township of Derry

County of Westmoreland

Countersigned

West Hills Closing  
Services, LLC  
300 Corporate Center Dr.  
Suite 130  
Moon Township  
(412) 264-6467

EXHIBIT B

PA 15108

*Edward O. Knaus*

**COMMITMENT  
SCHEDULE B - SECTION 1**

File Number: 16-308 OR

The following are the requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest insured.
2. Payment of all taxes, charges, dues, fees and assessments levied and/or assessed against the subject premises, which are due and payable.
3. Proof that there are no agreement(s) of sale other than the one under which the present conveyance is being made.
4. Proof of identity, legal age, competency of Grantors/Mortgagors and marital status (including deaths, divorces or separation) affecting any individual Grantor/Mortgagor herein.
5. Execution of Company's affidavit of title and two forms of identification (one of which must be photo-identification) to be provided by parties to the transaction.
6. Proof of payment of real estate taxes and municipal charges (including water, sewer, trash or other services provided by the municipality) for the three years preceding the current year and the current year, if due.
7. Proof that no Municipal or Authority improvements have been made or ordered to be made abutting or fronting on premises covered by this commitment.
8. Proper instruments creating the estate or interest to be insured must be validly executed and duly recorded:
  - a. Properly drafted and executed Mortgage from Derry Coal L.L.C. to [REDACTED] in the amount of [REDACTED].

Please be advised that a continuation search must, and will, be made by the closing agent at the time of closing to update the effective date of the commitment and that the earlier effective date shown at the beginning of this commitment will not affect the date of coverage of the policy. The date of the policy will be the date of recording of the insured instrument and will cover the gap between the last date covered by the official record at the time of closing and the date of recording.

See Continuation Sheet

**NOTICE AND DISCLOSURE**

The Commonwealth of Pennsylvania Department of Insurance requires that we sent the following notice to you, our applicant, prior to closing. They further require that you, the applicant, forward this notice to the consumer in advance of the day of closing: your title insurance fee covers the cost of closing on the insured real estate property if it takes place during regular office hours and at the office of the title insurance agent or underwriter. If your closing takes place at a location or time of your choosing, or that of your lender or realtor, the title insurance agent or underwriter may impose an additional charge for this special service. You may determine the amount of this additional charge, if any, by contacting the party listed on the bottom of Schedule A.

The Enhanced Coverage Homeowner's Policy of Title Insurance and/or the Expanded Coverage Residential Loan Policy is available for most 1-4 family, owner-occupied residencies at an additional cost. Please contact the agent that issued this Commitment for additional information regarding these policies.

NOTE: If a policy other than the 2006 ALTA Owner's Policy of Title Insurance, 2006 ALTA Loan Policy of Title Insurance or 2015 Short Form Residential Loan Policy is ultimately issued, Section 5 of the Conditions on ORT Form 4308, ALTA Commitment of Title Insurance 6/06, hereof is not applicable.

COMMITMENT  
SCHEDULE B - SECTION I (Continued)

9. Payoff, release or subordination of all liens shown under Schedule B, Section II of this commitment to insure.
10. If grantor, grantee or mortgagor is a corporation, limited liability company, limited liability company, limited partnership or limited liability partnership, the Company's receipt of the following:
  - a) a current Certificate of legal existence or of Good Standing from the Secretary of State of the entity's incorporation/organization/formation;
  - b) a copy of the Certificate of Incorporation/Articles of Organization/Certificate of Limited Partnership/Certificate of Limited Liability Partnership certified by the Secretary of State of the entity's incorporation/organization/formation;
  - c) resolutions of the directors/members/general partners/limited liability partners authorizing the conveyance or mortgage and the party of parties to execute the documents, or other evidence of such authority acceptable to the Company.
  - d) a copy of the Operating Agreement/Limited Partnership Agreement/Limited Liability Partnership Agreement and the amendments thereto; and
  - e) such other documents and proofs as the Company may require.

**COMMITMENT  
SCHEDULE B - SECTION 2**

File Number: 16-308 OR

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

1. Rights or claims of parties in possession not shown by the public records.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.
3. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date on which the proposed insured acquires of record for value the estate or interest, or mortgage thereon, covered by this commitment.
5. Possible additional tax assessment for new construction and/or major improvements.
6. Covenants, conditions, restrictions, easements, rights of way or servitudes, if any, appearing in the public record, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
7. Coal and coal bed methane gas and mining rights and all rights incident to the extraction or development of coal or coal bed methane gas heretofore conveyed, excepted and reserved by instruments of record; the right of surface, lateral or subjacent support; or any surface subsidence.

NOTICE: "THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND." [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

8. Oil and gas and minerals and all rights incident to the extraction or development of oil and gas or minerals heretofore conveyed, leased, excepted or reserved by instruments of record.
9. Subject to Coal and coal bed methane gas and mining rights and all rights incident to the extraction or development of coal or coal bed methane gas heretofore conveyed, excepted and reserved by instruments of record; the right of surface, lateral or subjacent support; or any surface subsidence, including, but not limited to:

a) Contractual Consent of Landowner to Surface Mining Activities, executed by Derry Properties, Inc., dated March 13, 1998 and recorded in Deed Book Volume 3566, page 407.

b) Contractual Consent of Landowner to Surface Mining Activities, executed by Derry Properties, Inc., dated April 11, 1989 and recorded in Deed Book Volume 2882, page 105.

NOTICE: "THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE

See Continuation Sheet

**COMMITMENT**  
**SCHEDULE B - SECTION 2 (Continued)**

ALL OF SUCH COAL AND, IN THE CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND." (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

10. Subject to Oil and gas and minerals and all rights incident to the extraction or development of oil and gas or minerals heretofore conveyed, leased, excepted or reserved by instruments of record, including but not limited to:  
  
a)Memorandum of Oil and Gas Lease from Derry Properties, Inc. to Williams Production Appalachia LLC, dated April 14, 2010 and recorded at Instrument No. 201006290022262.
11. Subject to Easements for cuts and slopes along the property or right of way formerly of The Pennsylvania Railroad.
12. Subject to Creek or stream crossing the land and riparian rights of others therein.
13. Subject to the following rights of way:  
  
a)From Derry Properties Inc. to West Penn Power Company, doing business as Allegheny Power by instrument dated February 3, 2009 and recorded at Instrument No. 200903250009613.
14. Subject to notice of Supplemental Final Order and Judgment regarding easement for fiber optics as set forth in instrument recorded at Instrument No. 201001260002836.
15. Policy does not insure the acreage content of the land.
16. All roads, public or private, in any way affecting the land.
17. Subject to all matters set forth in deed from Consolidated Rail Corporation to Derry Properties, Inc. dated January 24, 1991 and recorded in Deed Book Volume 3015, page 592, including:  
  
a)Reservation of easement for fiber optic cables, telecommunications, lines, etc., and covenants in connection therewith.  
  
b)Covenants set forth in said deed.
18. Subject to all matters set forth in deed from Penn Central Properties, Inc. et al. to Derry Properties, Inc. dated May 12, 1987 and recorded in Deed Book Volume 2809, page 30, including:  
See Continuation Sheet

**COMMITMENT**  
**SCHEDULE B - SECTION 2 (Continued)**

- a) Reservation of easements in gross for all existing wire and pipe facilities, etc., freely alienable and assignable by grantor.
  - b) Reservation of all oil, gas, natural gas, etc. with right to remove same, etc.
  - c) Unrecorded agreement between Pennsylvania Railroad Company and Watcopa, Inc. for water pipelines.
  - d) Covenants set forth in said deed.
19. Subject to Easement Deed by Court Order in Settlement of Landowner Action dated June 17, 2013 in the United States District Court for the Western District of Pennsylvania at Suit of Lake Forest Partners, L.P. vs Sprint Communications Company, et al; a copy of which was recorded March 26, 2014 at Instrument 201403260008391.
20. Open-End Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing from Derry Coal L.L.C., a Pennsylvania limited liability company, to Basecamp Holdings, Inc., a Georgia corporation, executed as of December 24, 2014, made effective as of December 30, 2014 and recorded December 31, 2014 at Instrument No. 201412310042508, in the amount of \$750,000.00.
21. UCC Financing Statement showing Derry Coal L.L.C. as debtor and Basecamp Holdings, Inc. as secured party, filed in the Recorder's Office of Westmoreland County on December 31, 2014 at Instrument No. 201412310042509.
22. UCC Financing Statement showing Chestnut Ridge Equipment LLC, debtor, and Caterpillar Financial Services Corporation, secured party, filed on February 28, 2014 at Instrument No. 201402280005555; appears to cover equipment located on the land.

COMMITMENT  
SCHEDULE C

File Number: 16-308 OR

PARCEL I:

ALL THAT PARCEL of land situate in the Township of Derry, County of Westmoreland and Commonwealth of Pennsylvania, bounded and described according to a plan of a survey made by Duane R. Schmiedel Engineers & Surveyors dated December 15, 1978, as follows:

BEGINNING at a stone monument at the corner common to lands, now or formerly, of George Peter Rellick and Jean R. Rellick, his wife, lands now or formerly, of Howard E. Hull and Nellie D. Hull, his wife, and lands formerly of The Pennsylvania Railroad Company; thence along line of lands, now or formerly, of H. E. Hull, line of lands now or formerly of Derry Medical Building, line of lands now or formerly of V. Elliot, line of lands now or formerly of E. V. Elliot, line of lands now or formerly of M. Slezak, and line of lands now or formerly of D. G. Slavek, South  $61^{\circ} 25'$  West, a distance of 1,454.368 feet to an iron rail at a corner of lands now or formerly of D. G. Slavek, and lands now or formerly of The American Slovak Society; thence along said line of lands now or formerly of The American Slovak Society, South  $83^{\circ} 47'$  West, a distance of 350.83 feet to an iron pin distant 32.00 feet at right angles in a southeasterly direction from the centerline of the near track of railroad formerly of The Pennsylvania Railroad Company; thence North  $43^{\circ} 16' 20''$  East, parallel with said centerline, a distance of 1,585.22 feet to an iron pin; thence by the arc of a circle curving to the right with a radius of 726.779 feet, an arc length of 344.407 feet to an iron pin; thence North  $70^{\circ} 25' 25''$  East, a distance of 534.41 feet to an iron pin; thence North  $60^{\circ} 48' 05''$  East, a distance of 206.99 feet to an iron pin; thence North  $70^{\circ} 35' 35''$  East, a distance of 418.67 feet to an iron pin distant 32.00 feet at right angles in a southeasterly direction from the near track of railroad formerly of The Pennsylvania Railroad Company; thence South  $22^{\circ} 03' 35''$  East, a distance of 509.43 feet to an iron pin; thence along lines of lands formerly of The Pennsylvania Railroad Company and lands, now or formerly of W. C. Barchesky, lands now or formerly of G. V. Garriss, lands now or formerly of J. G. Mrozinsky, lands now or formerly of J. R. Bates, lands now or formerly of J. C. Alexander, and lands now or formerly of the aforementioned George Peter Rellick, South  $61^{\circ} 25'$  West, a distance of 1,157.92 feet to the stone monument at the place of beginning.

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Parcel No: 45-41-04-0-036 & 45-41-04-0-041

West Hills Closing  
Services, LLC  
300 Corporate Center Dr.  
Suite 130  
Moon Township  
(412) 264-6467

PA 15108

COMMITMENT  
SCHEDULE C (Continued)

BEING Tax Map No. 45-41-04-0-036.

Uniform Parcel Identifier: 45-01528-00000.

PARCEL II:

ALL THAT CERTAIN piece or parcel of land of the Grantor, together with the 9,000 lineal feet of track and other track material, being a portion of the line of railroad known as The Philadelphia-Pittsburgh Main Line and identified as Line Code 2202, situate in the Township of Derry, County of Westmoreland and Commonwealth of Pennsylvania, which is bounded and described in accordance with a Property Survey, identified as File No. GT-7428, DR-7-L-"U", dated September, 1990 and prepared by George Gera, Registered Professional Surveyor No. 471-E, of the Commonwealth of Pennsylvania; hereinafter referred to as "Premises" as follows:

BEGINNING at a point in or near the centerline of Depot Street Projected and the southerly right of way line of the main line of Consolidated Rail Corporation leading from Pittsburgh to Altoona, said point of Beginning being South 48° 56' East, 84.68 feet from the centerline of Township Route 982; thence leaving said Depot Street and through said Consolidated Rail Corporation South 68° 56' East, 225.32 feet to an iron pin; thence by a curve to the left, having a radius of 3,061.62 feet and (a chord course and distance South 81° 15' 58" East, 1,307.90 feet), an arc distance of 1,317.95 feet to a point; thence still being a curve to the left, having a radius of 2,803.92 feet and (a chord course and distance of North 76° 37' 00" East, 946.70 feet), an arc distance of 951.24 feet to a point; thence still by the southerly right of way of Consolidated Rail Corporation North 66° 54' East, 6,037.90 feet to a point in or near LR 64041 leading from LR 217 to LR 982; thence along LR 64041 South 21° 51' West, 112.46 feet to a point; thence by the same South 27° 01' West, 69.25 feet to a point; thence leaving LR 64041 along lands of Joseph E. Rellick South 55° 45' 30" West, 886.64 feet to an iron pin; thence by the same South 24° 39' 30" East, 208.00 feet to an iron pin; thence along said land of John P. Rellick South 72° 10' 30" West, 850.00 feet to a post; thence along lands of Rellick, Barchesky, Garriss, Mrozinsky, Bates, Alexander, Rellick, Doughty, Deone Medical Building, Plato, Slezak, Slavek, South 57° 45' 30" West, 3,352.44 feet to an angle iron; thence along lands of the American Slovak Society, formerly Irene Caldwell South 80° 03' West, 977.70 feet to an iron pin; thence by curve to the right, having a radius of 1,447.44 feet and (a chord course and distance North 85° 10' 40" West, 738.13 feet), an arc distance of 746.38 feet to an iron pin; thence by the same and lands of Loshinsky and Derry Area School

See Continuation Sheet

**COMMITMENT  
SCHEDULE C (Continued)**

District, North 70° 24' 18" West, 1,043.42 feet to an iron pin at the corner of lands of the Derry Area School District; thence along the lands of the Derry Area School District South 19° 35' 42" West, 155.32 feet to an iron pin; thence by the same and lands now or formerly of Elizabeth Calabrese North 68° 55' 36" West, 1,000.00 feet to a point in or near the centerline of Depot Street Projected; thence through Depot Street Projected North 21° 04' East, 148.00 feet to a point, the place of beginning.

BEING Tax Map No. 45-41-04-0-041

Uniform Parcel Identifier: 45-01527-00000.